

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Zucherman, et al.

Appl. No.: 10/694,103

Conf. No.: 3095

Filed: October 27, 2003

Title: INTERSPINOUS PROCESS IMPLANT
WITH RADIOLUENT SPACER AND
LEAD-IN TISSUE EXPANDER

PATENT APPLICATION

Art Unit: 3733

Examiner: Swiger III, James L.

Atty. Docket No.: SFMT-01077US1

Customer No. 23910

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- As allowed under 37 C.F.R § 1.98(a)(2)(ii), no copies of the U.S. patents and U.S. patent application publications are enclosed, unless required by the office.
- As allowed under 37 CFR §1.98(d), copies of cited documents noted with an asterisk are not enclosed because they were previously submitted in U.S. Patent Application No. / , which is relied on for an earlier effective filing date under 35 USC §120, and which included an Information Disclosure Statement that complies with 37 CFR §1.98(a) through (c).
- If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

This statement should be considered because:

37 C.F.R. §1.97(b). This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
- OR -
- (2) It is being filed within 3 months of entry of a national stage;
- OR -
- (3) It is being filed before the mailing date of the first Office Action on the merits;
- OR -
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

Fee Authorization. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

FLIESLER MEYER LLP

Date: February 16, 2007

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Form PTO-1449
(Substitute)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEInformation Disclosure Statement
BY APPLICANT
(Use several sheets if necessary)

Attorney Docket Number SFMT-01077US1	Application/Patent Number 10/694,103
Applicant/Patent Owner James F. Zucherman	
Filing/Issue Date October 27, 2003	Group Art Unit 3733

U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
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<i>Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)</i>		Applicant/Patent Owner James F. Zucherman	
		Filing/Issue Date October 27, 2003	Group Art Unit 3733

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Examiner Initial		Patent Application Publication Number	Publication Date	Applicant

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Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Trans- lation Y es No
		WO 02/051326	07/2002	International			

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

Examiner	Date Considered

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*1 = Copy not submitted because it was submitted in prior application SN / , filed , 20 , relied on under 35 USC §120.

**2 = Copy not submitted because it was submitted in prior application SN / , filed , 20 , relied on under 35 USC §120.